



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,573	06/14/2000	Olivier Casile	YOR9-1999-0577-US1	7644

7590 06/25/2008
Anne Vochon Dougherty Esq
IBM Corporation
3173 Cedar Road
Yorktown Heights, NY 10598

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

06/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/593,573
Filing Date: June 14, 2000
Appellant(s): CASILE ET AL.

ANNE VACHON DOUGHERTY
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/25/08 appealing from the Office action mailed 09/25/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Fries (6,317,885)**. This rejection is set forth in a prior Office Action mailed 09/25/07 and repeated below.

As to claim 1, note the **Fries** reference figures 1-3 and 10-12, discloses an interactive entertainment and information system using TV STB and further discloses a method for providing secondary content related to primary content in a broadcast stream comprising the steps of:

Obtaining (Head end 'HE' 22) secondary content which relates to the main primary content (col.4, lines 4-55); An authoring station for creating a schedule (Carousel Server 46) for delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and Cyclically delivering (Carousel Server 46) the secondary content based on the schedule and comprises content for use by an interactive TV application and provides control information with the secondary content (figs.2 10-12, col.8, line 13-25, col.9, line 33-col.10, line 46, col.11, line 59-col.12, line 58, col.13, line 59-col.15, line 32, col.19, line 30-col.20, line 22, col.22, lines 20-52 and col.34, lines 13-36), **Fries** discloses that Carousel builder 146, in figs.10-12, of information server 46 (coupled to Internet) generates one-to-one mapping between program elements and pages and nine-to-one mapping between pages and programs, the page image is then wrapped with the appropriate transport

stream "...creating a schedule for cyclic delivery of secondary data content in a predetermined relation to non-cyclic broadcasting of the primary content...",

As to claim 2, Fries further discloses creating a schedule for the first delivery of the secondary content prior to delivery of the primary content and at least one successive delivery of the secondary content after commencement of delivery of the primary content (col.11, line 59-col.12, line 58, col.13, line 59-col.15, line 32, col.19, line 30-col.20, line 22).

As to claims 3-10, Fries further discloses dynamically modifying the schedule by adjusting the schedule based on the viewer's interaction, receiving at least one viewer request for retransmission and rebroadcasting of the Web content and responds to the at least one viewer request, selectively transmitting the request to the viewer, generating the request based on a poll of viewers requests and interactions, counting the number of viewer requests for retransmission of the secondary content and where the rebroadcasting is conducted upon receipt of a threshold number of viewer requests for retransmission and where the responding to at least one viewer request comprises narrowcasting the secondary content (col.4, lines 4-28, col.8, lines 13-25, col.11, line 59-col.12, line 58, col.13, line 58-col.15, line 21, col.22, line 52-col.23, line 3 and col.33, line 19-col.34, line 36).

As to claim 11, Fries further discloses displaying notification data for notifying the viewer of the delivering of secondary content (col.15, lines 22-32 and col.33, line 19-col.34, line 36).

As to claim 12, Fries further discloses the transport mechanism for the primary

content is analog TV broadcast stream and the transport mechanism for the secondary content comprises VBI within the analog TV broadcast stream (col.3, lines 22-65).

As to claim 13, Fries further discloses where the transport mechanism for the MPEG TV content is a digital television broadcast stream, and the transport mechanism for the secondary data is additional data stream within the digital television broadcast stream (col.3, lines 22-65, col.13, line 59-col.15, line 32, and col.33, line 19-col.34, line 36).

Claims 14-16 are met as previously discussed with respect to claim 1.

As to claim 17, Fries further discloses where providing control information comprises including at least one unique identifier for the secondary data, an identification of the MPEG TV content to which the Web content pertains, scheduling information for future broadcasting of the secondary data, timing information regarding relating the GUI data to the MPEG TV content (col.3, lines 22-65, col.13, line 59-col.15, line 32, and col.33, line 19-col.34, line 36).

Claim 18 is met as previously discussed with respect to claims 3-10.

As to claim 19, the claimed “a system for providing secondary content related to a primary content...” is composed of the same structural element that were discussed in the rejection of claim 1.

Claim 20 is met as previously discussed with respect to claims 3-10.

As to claims 21 and 22, Fries further discloses where transmitting over telephone channel and over coaxial cable (col.3, lines 2-65 and col.33, line 19-col.34, line 36)

As to claim 23, Fries further discloses where transmitting over a wireless return

channel (col.3, lines 36-41).

As to claim 24, note the **Fries** reference figure 3, discloses an apparatus for providing display of primary content and secondary content related to the primary content which is broadcast from a broadcast location comprising:

A receiving component (see fig.3, input/70/71) for receiving an input stream from the broadcast location, Head end 'HE' 22 (col.5, line 9-50);

A processing component (88/89/90/92/52/94) for identifying cyclic secondary content in the input stream and for handling the secondary content (col.5, line 37-col.6, line 15);

At least one buffer location for receiving the secondary content of the input stream from the processing component and for buffering the secondary content (col.5, line 9-50 and col.33, line 56-col.34, line 36); and

A display component (82/96/98) for displaying the primary content from the input stream and for receiving the secondary content from the at least one buffer location and displaying the secondary content; where the processing component comprises means for extracting control information from the input stream and for handling the secondary content based on the control information (col.5, line 37-col.6, line 55 and col.33, line 56-col.34, line 36).

Claim 26 is met as previously discussed with respect to claims 3-10.

(10) Response to Argument

Independent claim 1

With respect to claims 1-24 and 26, rejected under 102(e) as being anticipated by **Fries (6,317,885)**, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations, i.e., obtaining secondary content which relates to the main primary content; creating a schedule for cyclic delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and cyclically delivering the secondary content based on the schedule, that "...the rejection lacks specificity..." that "...unclear if the Examiner is analogizing the meta-data to secondary content... (See page 11+ of Appellant's Brief).

In response, Examiner disagrees. First it should be noted that the claimed method of claims 1 and the claimed system of claim 19 are similar in scope and claim limitations in claim 19 not addressed in the body of claim 1, were carefully discussed in the rejection of claim 1. With respect to other arguments presented by, Examiner cited figures 2, and 10-12. Figure 2 illustrates a Head end (HE) 22 receiving and encoding TV programming signals originating from microwave broadcasts via satellite antenna 42 (col.3, lines 22-65); HE-22 further includes information server 46 (includes a carousel builder 146, etc.,) coupled to Internet which obtains page(s) data and carousel management information from content providers and injects the pages into the transport stream based on the management information (col.3, line 66-col.4, line 48). Figures 10-12 show how Fries builds a carousel of data. Fries further discloses HE 22 with various

Art Unit: 2623

servers, that are interconnected in a local area network "LAN". As illustrated in the figures, HE-22 obtains secondary content which relates to the main primary content (col.4, lines 4-55); An authoring station which creates a schedule (Carousel Server 46) for delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and Carousel Server 46, Cyclically delivers the secondary content based on the schedule, and comprises content for use by an interactive TV application and provides control information with the secondary content (figs.2 10-12, col.8, line 13-25, col.9, line 33-col.10, line 46, col.11, line 59-col.12, line 58, col.13, line 59-col.15, line 32, col.19, line 30-col.20, line 22, col.22, lines 20-52 and col.34, lines 13-36), Fries discloses that Carousel builder 146, in figs.10-12, of information server 46 (coupled to Internet) generates one-to-one mapping between program elements and pages and nine-to-one mapping between pages and programs, the page image is then wrapped with the appropriate transport stream, which meets the limitation "...creating a schedule for cyclic delivery of secondary data content in a predetermined relation to non-cyclic broadcasting of the primary content..." Carousel Server 46 further maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction and selectively injects pages into the transport stream based on statistical information (user interaction, such as popularity in conjunction with time of day). This is considered

Art Unit: 2623

scheduling in as much as appellant has disclosed. Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of the pages (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Fries further discloses, a receiving apparatus (Subscriber Location 1 or 26) which includes a buffer, controller, display, etc., for receiving and controlling the display the main content and the secondary data and the meta data associated with the pages (col.5, lines 9-23, line 51-col.6, line 55 and col.9, lines 33-56). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Dependent claim 2

With respect to claim 2, Appellant recites the claim limitations, the prior art of record and argues that the prior art of record does not teach the claim limitations, i.e., obtaining secondary content which relates to the main primary content; creating a schedule for cyclic delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and cyclically delivering the secondary content based on the schedule, that "...the rejection lacks specificity..." that "...unclear if the Examiner is analogizing the meta-data to secondary content... (See page 20+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments; however, Examiner cited figures 2, and 10-12. Figure 2 illustrates a Head end (HE) 22 receiving and encoding TV programming signals originating from microwave broadcasts via satellite antenna 42 (col.3, lines 22-65); HE-22 further includes information server 46

Art Unit: 2623

(includes a carousel builder 146, etc.,) coupled to Internet which obtains page data and carousel management information from content providers and injects the pages into the transport stream based on the management information (col.3, line 66-col.4, line 48) as discussed in detail in claim 1 above. Figures 10-12 show how Fries builds a carousel of data, and successively delivers the secondary content at least once after the delivery of the primary content (col.4, lines 4-55); An authoring station creates a schedule (Carousel Server 46) for delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the main content; and successively delivers (Carousel Server 46) the secondary content based on the schedule (figs.2 10-12, col.8, line 13-25, col.9, line 33-col.10, line 46, col.11, line 59-col.12, line 58, col.13, line 59-col.15, line 32, col.19, line 30-col.20, line 22, col.22, lines 20-52 and col.34, lines 13-36), Fries discloses that Carousel builder 146, in figs.10-12, or information server 46 (coupled to Internet) generates one-to-one mapping between program elements and pages and nine-to-one mapping between pages and programs, the page image is then wrapped with the appropriate transport stream. Carousel Server 46 further maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as popularity in conjunction with time of day). Fries further teaches that the pages include

Art Unit: 2623

meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Dependent Claims 3 and 4

With respect to claims 3 and 4, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations, (See page 22+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content..." Fries further teaches that, Carousel Server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as popularity in conjunction with time of day). This is considered scheduling in as much as appellant has disclosed. Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Hence Fries meets all the claim limitations, the rejection is proper and should be

sustained.

Dependent Claims 5, 7 and 18

With respect to claims 5, 7 and 18, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (See page 28+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content...." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Dependent Claims 6, 8 and 10

With respect to claims 6, 8 and 10, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 29+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content...." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Dependent Claim 9

With respect to claim 9, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 31+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content...." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Furthermore the determination of the most popular and less popular pages is based on counting of the number of request in relation to a predetermined value or threshold. Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Dependent Claim 11

With respect to claim 11, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 32+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content...." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Dependent Claims 16 and 17

With respect to claims 16 and 17, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 34+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content...." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Furthermore Fries uses unique identifiers of the secondary content and the main content, and in addition includes control data along with the secondary content and maps the secondary content to the main content and transmits the data stream to the client's receiving apparatus via transmission medium 24. Hence Fries meets all the

claim limitations, the rejection is proper and should be sustained.

Dependent Claim 19

With respect to claim 9, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 38+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however, first it should be noted that claim 19 is addressed together with claim 1, since the claimed system of claim 19 is composed of the same elements of claimed method of claim 1. Examiner cited figures 2, and 10-12. Figure 2 illustrates a Head end (HE) 22 receiving and encoding TV programming signals originating from microwave broadcasts via satellite antenna 42 (col.3, lines 22-65); HE-22 further includes information server 46 (includes a carousel builder 146, etc.,) coupled to Internet which obtains page data and carousel management information from content providers and injects the pages into the transport stream based on the management information (col.3, line 66-col.4, line 48). Figures 10-12 show how Fries builds a carousel of data. Fries further discloses other servers of HE 22, interconnected in a local area network "LAN". As illustrates in the figures, HE-22 obtains secondary content which relates to the main primary content (col.4, lines 4-55); An authoring station for creating a schedule (Carousel Server 46) for delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and Cyclically delivering (Carousel Server 46) the secondary content based on the schedule and comprises content for use by an interactive TV application and provides control information with the secondary content

Art Unit: 2623

(figs.2 10-12, col.8, line 13-25, col.9, line 33-col.10, line 46, col.11, line 59-col.12, line 58, col.13, line 59-col.15, line 32, col.19, line 30-col.20, line 22, col.22, lines 20-52 and col.34, lines 13-36). Fries discloses that Carousel builder 146, in figs.10-12, or information server 46 (coupled to Internet) generates one-to-one mapping between program elements and pages and nine-to-one mapping between pages and programs, the page image is then wrapped with the appropriate transport stream , which meets the limitation "...creating a schedule for cyclic delivery of secondary data content in a predetermined relation to non-cyclic broadcasting of the primary content..." Carousel Server 46 further maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as popularity in conjunction with time of day). This is considered scheduling in as much as appellant has disclosed. Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Fries further discloses receiving apparatus (Subscriber Location 1 or 26) which includes a buffer, controller, display, etc., for receiving and controlling the display of the main content and the secondary data and the meta data associated with the pages (col.5, lines 9-23, line 51-col.6, line 55 and col.9, lines 33-56). Hence Fries

meets all the claim limitations, the rejection is proper and should be sustained.

Dependent Claim 20

With respect to claim 20, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 44+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 19 above Fries teaches; "...creating a schedule for cyclic delivery of secondary content..." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta-data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Independent Claim 24

With respect to claim 24, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 45+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content...." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Fries further discloses receiving apparatus at the viewer location which includes a buffer, controller, display, etc., for receiving and controlling the display the main content and the secondary data and the meta data associated with the pages (col.5, lines 9-23,

line 51-col.6, line 55 and col.9, lines 33-56). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Independent Claim 26

With respect to claim 26, Appellant recites the claims limitations, the prior art of record and argues that the prior art of record does not teach the claims limitations (see page 45+ of Appellant's Brief).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however as previously discussed in claim 1 above Fries teaches "...creating a schedule for cyclic delivery of secondary content...." Fries further discloses that, carousel server 46 maintains various management information received from providers and monitors users access information, modifies page update messages each time the carousel changes, creates new carousel image (from the description and pages), replaces old pages with new pages, allow user interactions with the pages, modifies pages based on user(s) interaction, adjusts the schedule based on the interaction, selectively injects pages into the transport stream based on statistical information (user interaction, such as page popularity in conjunction with time of day). Fries further teaches that the pages include meta data, e.g., messages, e-mail, etc., to inform the viewer delivery of pages. Fries monitors statistical data of page popularity based on user interaction (number of times user(s) have requested for the same page from the head end system (col.22, line 52-col.23, line 15, col.25, line 37-col.26, line 1+, col.33, lines 19-55 and line 66-col.34, line 36). Hence Fries meets all the claim limitations, the rejection is proper and should be sustained.

Art Unit: 2623

(11) Related Proceeding(s) Appendix

None

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang

Conferees:

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang

/Chris Kelley/

Supervisory Patent Examiner, Art Unit 2623

Chris S. Kelley

Vivek Srivastava

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623

IBM CORPORATION

3173 CEDAR ROAD

YORKTOWN HEIGHTS, NY 10598